

**HERCULES LAND USE AND CIRCULATION ELEMENTS UPDATE
AND REDEVELOPMENT PLAN AMENDMENTS**

ADDENDUM TO THE FINAL EIR

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1. Land Use Element
2. Circulation Element

ADDENDUM TO THE FINAL EIR

CITY OF HERCULES GENERAL PLAN LAND USE AND CIRCULATION ELEMENTS UPDATE AND REDEVELOPMENT PLAN AMENDMENTS

A. INTRODUCTION

This addendum describes the differences in physical environmental impacts between the draft Hercules *General Plan Land Use and Circulation Elements*, as analyzed in the *City of Hercules General Plan Land Use and Circulation Elements Update and Redevelopment Plan Amendments Draft Environmental Impact Report*, published February 3, 1995, and the impacts of modified versions of the two *General Plan* elements, known as the Refined Project. The Draft EIR, as modified by the Final EIR published on June 9, 1995, analyzes a maximum reasonable development scenario as projected by City staff (see EIR Table III-1, Community Panel Recommended Land Use Concept: Maximum Development Potential, EIR p. III-13). Because it covers a more intense development plan, the EIR adequately analyzes impacts of the Refined Project, which would commit the City to a goal of less intense residential development than the theoretical maximum analyzed in the EIR. If adopted by the City Planning Commission and the City Council, the Refined Project would result in a reduction in intensity of certain environmental impacts, as compared to the project previously analyzed. The Refined Project would result in most of the same significant unavoidable effects as would the previous project, although the severity of those impacts would be incrementally less. No new significant impacts would result. The addendum describes the changes between the previously proposed project and the Refined Project, and will be incorporated by the City Planning Commission and City Council as part of the Final EIR, upon certification of that document.

In addition to a discussion of the Refined Project, this addendum includes five comment letters that were received by the City following the close of the Draft EIR comment period on April 3, 1995, and brief responses to the comments raised therein. The letters were received from:

Lloyd Wagstaff, Hercules City Council Member
Joel A. Medlin, Field Supervisor, U.S. Fish and Wildlife Service
Joe Browne, District Director, California Department of Transportation
Martin Vitz, Advanced Planning Manager, East Bay Regional Park District
Martin R. Engleman, P.E., Deputy Director, Planning, Contra Costa Transportation Authority

Finally, the addendum includes the complete proposed revised text of the Land Use Element and Circulation Element.

B. REFINED PROJECT

DESCRIPTION

Following publication of the Final EIR, but prior to certification of the EIR, the Hercules City Council and City Planning Commission held a public workshop to discuss the Final EIR and to identify potential changes in the proposed project. A General Plan Subcommittee, consisting of two council members and two planning commissioners, met with City staff and subsequently proposed revisions to the draft Land Use Element that would result in less intensive residential development than would occur under the General Plan update analyzed in the EIR. No changes were proposed in commercial densities. The subcommittee also proposed certain changes to the draft Circulation Element, which are described below.

Land Use Element

Under this "Refined Project," the updated Land Use Element would be revised to state that the target density for most residential land use categories would be a number midway between the low and high ends of the density range for each category. (This change would not affect the Single-Family - Estate and Single-Family, Low-Density designations.) The allowable range of densities would not change, but the assumed number of units at buildout, and therefore the assumed buildout population of the City, would be less than with the previous project, because the Land Use Element would set the mid-range densities for each residential category as the City's development goal. Table 1 identifies the density ranges and mid-range density goals for each residential land use designation. Table 2 presents a parcel-by-parcel description of

TABLE 1: RESIDENTIAL DEVELOPMENT: DENSITY RANGES AND TARGET DENSITIES

<u>Residential Land Use Category</u>	<u>Density Range (per acre)</u>		<u>Target (per acre)</u>	
	<u>units</u>	<u>persons</u>	<u>units</u>	<u>persons</u>
Single-Family - Estate	1 to 2	3 to 6	n/a	
Single-Family - Low-Density	2 to 7	6 to 20	n/a	
Single-Family - Medium-Density	7 to 12	20 to 35	9	26
Multi-Family - Low-Density	7 to 12	20 to 35	9	26
Multi-Family - Medium-Density	12 to 30	35 to 85	20	58
Multi-Family - High-Density	30 to 55	85 to 160	42	121

proposed buildout under the Refined Project. This table is a revised version of Table III-1, EIR p. III-13, which presented the maximum development potential on which the EIR analysis was based.

For purposes of analysis, the Refined Project assumes the same land use designations for all parcels as does the project analyzed in the EIR, and assumes that residential development would occur at a mid-level of density within the density range for each residential designation. This would be accomplished by language included in the draft Land Use Element update stating that, on average, considering all residential development in the Study Area (24 parcels for which land use designations would be changed), residential units shall be developed at the mid-range density identified by the Land Use Element for each residential land use category.¹ That is, where the project analyzed in the EIR would include, for example, multi-family, medium-density residential development at 30 units per acre, which is the maximum permitted within the range of 12 to 30 units per acre for that designation, the Refined Project assumes residential development at 20 units per acre, as indicated in Table 1. The resulting total of residential units, 2,575 multi-family units, compared to 3,816 multi-family units with the previous project, would not become an approved maximum, but would be a mid-range development goal that the City would seek to implement throughout the Study Area.

The 2,575 multi-family residential units would represent about 33 percent fewer units than would be constructed under the previously proposed project. Commercial development under the Refined Project would include the same approximately 5.01 million square feet as would be developed under the previous project.

Under the Refined Project, other changes would be made to the Land Use Element, compared to the Element analyzed in the EIR. The Land Use Element, through a new Policy 8A.3, would designate Parcels 1 and 2, the Hercules Properties Inc. parcels, as a "special study area" that would require the parcel to undergo review as a planned unit development. This designation would take into account the HPI property's historic significance, opportunity for future rail transit access, and constraints regarding drainage and runoff; would take advantage of the site's San Pablo Bay frontage location; and would allow for a diverse mix of land uses and for coordination

¹ Under the proposed Land Use Element, the mid-range densities would apply throughout the City. However, only the 24 parcels within the Study Area were considered in the EIR and are included in

TABLE 2: LAND USE ELEMENT: MID-RANGE DEVELOPMENT POTENTIAL

Parcel	Common Name	Preferred Designation Use	Acres	Maximum Sq. Ft.	Intensity/Density		
					FAR	U/AC	Units
1	HPI Site	Historic Town Center	8.6	85,000		&	25
		Planned Office/R&D	21.1	459,558	0.5		
		General Commercial	3.8	82,764	0.5		
		Planned Office/R&D	15.3	199,940	0.3		
		Planned Office/R&D/Res	3.0	39,204	0.3	20	60
		Multi-Family, Med Dens	22.3			20	446
		Open Space/Creek Corridor	32.0	n/a	n/a	n/a	n/a
		Total Acreage	106.1				
2	Hercules Point	Waterfront Commercial	6.0	52,272	0.2		
		Undeveloped Remainder	9.0	n/a	n/a	n/a	n/a
		Total Acreage ^a	15.0				
3	Gelsar Site	General Commercial	14.1	153,549	0.25		
		Planned Commercial/Res	45.0			20	900
		Planned Office/R&D	18.5	241,758	0.3		
		Open Space/Creek Corridor	26.4	n/a	n/a	n/a	n/a
		Total Acreage	104.0				
4	East Bay Realty Services Site	Multi-Family, Med Dens	24.5			20	490
		Planned Commercial/Res	6.5	42,471	0.3	20	65
		General Commercial	10.5	137,214	0.3		
		Total Acreage	41.5				
5	MRB Site	Multi-Family, Med Dens	4.6			20	92
		Planned Com/Res	1.0	13,068	0.3		
		Total Acreage	5.6				
6	North Shore Business Park	Planned Off/R&D	60.9	795,841	0.3		
		General Commercial	15.5	202,554	0.3		
		Planned Off/R&D	67.5	900,000	0.3		
		Total Acreage	143.9				
7	ANR Site	Planned Cmrc./Industrial	41.6	543,629	0.3		
		Planned Cmrc./Industrial	20.8	362,419	0.4		
		Total Acreage	62.4				
8	Hercules Square	Community Commercial	2.9	31,581	0.25		
9	ORB Site	General Commercial	3.5	20,000	0.15	plus gas station	
10	BART Site	Public/Semi-Public	6.6	Park & Ride			
11	I-80 Loop Site	General Commercial	6.3	82,328	0.3		
12	Williamson Site	General Commercial	8.9	116,305	0.3		
13	Sycamore Site	Planned Com/Res	25.1	54,880	0.15	&	20
14	Five Giants	General Commercial	7.0	91,476	0.3		
SUBTOTAL			538.8	4,707,811			2,413

this discussion. Those parcels represent substantially all of the developable land within the city limits, with the exception of the recently annexed Franklin Canyon area.

^a Excluding 55.1 acres of tidelands on which development generally would be prohibited.

(Continued)

TABLE 2: LAND USE ELEMENT: MID-RANGE DEVELOPMENT POTENTIAL (Continued)

Parcel	Common Name	Preferred Designation Use	Acres	Maximum Sq. Ft.	Intensity/Density		
					FAR	U/AC	Units
A	Church of Nazarene	Multi-Family, Low Dens	5.0			9	45
B	McLeod	Multi-Family, Low Dens	7.4			9	67
C	Citation	Multi-Family, Low Dens	5.6			9	50
D	Carone - 1	General Commercial	2.0	26,136	0.3		
E	Carone - 2	General Commercial	1.8	23,522	0.3		
F	Carone - Sycamore	Community Commercial	2.6	33,977	0.3		
G	Old ATSF	Community Commercial	1.7	22,216	0.3		
H	Creekside	Community Commercial	25.3	160,455	var.		
I	Willow Center	General Commercial	3.4	31,000	var.		
J	Church of Christ	General Commercial	7.0	church			
SUBTOTAL			61.8	297,306			162
TOTAL			600.6	5,005,117			2,575

Note: Development figures for parcels that are partially developed are "gross" and include existing built space; figures for "new" space may be derived by subtracting existing space from these figures.

with adjacent properties. The planned unit development process thus potentially could permit the property owner some flexibility in planning the entire site in exchange for providing certain amenities of citywide benefit. Accordingly, the Proposed General Plan Land Use Designations indicated in Figure IV.A.3, p. IV.A-22 of the Final EIR, would be considered conceptual only, and would be subject to revision as part of the planned unit development process. (This would not be expected to substantially alter the overall level of development for Parcels 1 and 2 as a whole, but could alter the configuration of developed areas shown in Figure IV.A.3.) This treatment of Parcels 1 and 2 as a planned unit development is intended to replace the concept of a Master Plan or Specific Plan requirement, as described on p. III-5 of the Final EIR.

In general, under the Refined Project, there would be a requirement that 10 percent of residential units must be constructed as affordable units, unless unusual circumstances prevail, in which case a developer might be eligible for payment of an in-lieu fee rather than building affordable units. However, the in-lieu fee is not intended as a normal substitute for construction of affordable housing.

The Refugio Creek corridor west of San Pablo Avenue would be explicitly excluded from the calculation of parklands, park space or recreational areas, since the corridor's primary purpose following improvements would be as a flood control channel and restoration of riparian habitat.

The Land Use Element would contain a new Policy 14B calling for a "good faith effort to limit grading, excavation and filling practices during development."

Another proposed change would be a strengthening of Program 14A.2 of the Land Use Element to allow a regional bay access trail to be developed on private property in the industrial area of the City. This trail was previously analyzed based on the City's approved route as diverting from the San Pablo Bay shoreline at Refugio Creek and following the creek to San Pablo Avenue, where the trail would head to the northern city limit. Since publication of the Final EIR, the Pacific Refining Company has announced plans to substantially scale back operations at its oil refinery, located on San Pablo Bay at the northern Hercules city limit. Concern about the safety of trail users between the existing Southern Pacific Railroad tracks and the Pacific Refining property had been a principal reason for the City not approving a shoreline trail in the past. With the announced changes at the refinery, the Refined Project would include the City's intention to designate a shoreline trail along San Pablo Bay from Pinole to the unincorporated community of Rodeo.

In addition, the *General Plan* would include a preamble, or "Vision Statement," setting out the City Council's ideas for the future of Hercules and emphasizing preservation of the City's quality of life.

Circulation Element

A proposed change to the Circulation Element, compared to the element analyzed in the EIR, would emphasize that the City's level of service standard for residential streets and intersections is LOS D.

Demographic Projections

Under the Refined Project, there would be about 1,240 fewer dwelling units compared to the previously proposed project, and population growth therefore would be less. The year 2010 buildout population of Hercules would be approximately 26,300, compared to approximately 29,900 under the previous project. (Including cumulative development, those totals would be 29,100 for the Refined Project and 32,700 with the previous project.) Because there would be no change in commercial densities, total employment in 2010 under the Refined Project would be about 18,350, the same as with the previous project.

IMPACTS

Like the alternatives analyzed in Chapter VI of the Final EIR, the Refined Project would differ in environmental effects from the previously proposed project primarily in impacts related to the intensity of development. These impacts, such as traffic, air quality, traffic-related noise, and demand for public services, including schools and parks, generally would be less substantial with the Refined Project, compared to the previous project, because the Refined Project would have a lower buildout population. Nevertheless, the Refined Project would result in significant, unavoidable effects related to traffic, schools, hazardous materials, and air quality, as would the previous project. Because the Refined Project would result in less population, it would not, in itself, result in a significant unavoidable impact on park facilities, in contrast to the previous project. However, with cumulative development that would be expected in addition to growth due to the Refined Project, there would be a deficit in neighborhood parkland.

Transportation and Circulation

Table 3 summarizes the differences in trip generation between the Refined Project and the previous project. As indicated in Table 3, daily and p.m. peak-hour residential trip generation would be about 33 percent less than with the previous project. Because residential trips would make up a relatively small percentage of overall trips, the difference in total trips would be about 5 percent. This difference would be virtually undetectable, but could result in incrementally lower volume-to-capacity (v/c) ratios at the intersections analyzed. Despite the reduced trip generation, background growth plus development under the Refined Project would result in Level of Service F at the San Pablo Avenue/John Muir Parkway and San Pablo Avenue/Sycamore Avenue intersections, as with the previous project. This is because so much of the traffic on San Pablo Avenue would result from drivers who use San Pablo Avenue as an

TABLE 3: TRIP GENERATION, 2010: REFINED PROJECT VS. PROPOSED PROJECT

<u>Land Use</u> <u>Category</u>	<u>Size</u>	<u>Previous Project</u>		<u>Refined Project</u>		
		<u>Average</u> <u>Daily Trips</u>	<u>P.M. Peak</u> <u>Hour Trips</u>	<u>Size</u>	<u>Average</u> <u>Daily Trips</u>	<u>P.M. Peak</u> <u>Hour Trips</u>
Commercial/a/	5.01 msf/b/	142,000	13,640	5.01 msf/b/	142,000	13,640
Residential	3,816 units	<u>24,800</u>	<u>2,485</u>	2,575 units	<u>16,600</u>	<u>1,670</u>
Total		166,800	16,125		158,600	15,310

/a/ Includes retail, commercial, office, research and development, and light industry.

/b/ msf = million square feet

SOURCE: Environmental Science Associates, adapted from DKS Associates

alternative to I-80 (see EIR Section IV.B., Transportation and Circulation, p. IV.B-27). Also, because commercial uses would be concentrated along the San Pablo Avenue and Sycamore Avenue corridors, most commercial traffic would use these streets, and commercial traffic would not decrease with the Refined Project. Other intersections in Hercules would operate at acceptable levels of service, with mitigation. Freeway operations on I-80 would be at LOS E/F to LOS F, as with the previous project, again largely due to traffic not generated in Hercules.

It should be noted that the analysis in the Final EIR describes the intersections of San Pablo Avenue/John Muir Parkway and San Pablo Avenue/Sycamore Avenue as operating at conditions substantially over capacity in 2010. In reality, transportation engineers state, an intersection cannot operate at v/c ratios substantially in excess of 1.00, because vehicles cannot physically enter the intersection. The effect of a theoretical v/c ratio greater than 1.00 is typically to spread the peak-period traffic over a longer time period. This is what would be expected to occur under both the previously proposed project and the Refined Project, with the Refined Project potentially resulting in an incremental decrease in traffic volumes that would most likely be undetectable. Over-saturated roadway and intersection conditions also can induce some motorists to shift travel times or travel modes, where possible. In other words, a non-essential commute-period trip might be made at off-peak hours, or not at all, or a commuter may travel via carpool or transit.

Air Quality; Noise

Vehicle emissions and vehicle noise would decrease incrementally along with the small decrease in peak-hour traffic, compared to the previously proposed project, but the increase would not be measurable. Operational noise and air pollutants emitted by stationary sources would be expected to be the same as with the previous project because the amount of commercial space would not change. Although reduced residential development would generate fewer emissions, the Refined Project would result in a substantial number of vehicle trips (about 95 percent as many as the previous project, as described above), and emissions of criteria air pollutants would be a significant unavoidable effect, as with the previously proposed project.

Population and Employment

At buildout in 2010, the population of Hercules would be about 26,300 under the Refined Project, compared to about 29,900 with the previous project. Because the Refined Project assumes the same amount of commercial development as the previous project, the ratio of employment opportunities to the number of employed residents, or jobs/housing ratio, would be greater with the Refined Project: 1.36, compared to 1.20 with the previous project. (With an estimated 2,800 additional residents due to cumulative development outside the Study Area, the corresponding population figures would be 29,100 with the Refined Project and 32,700 with the previous project. The jobs/housing ratios would be 1.25 and 1.11, respectively.) Although population would be less than with the previous project, employment would be the same, and the Refined Project would not be in compliance with the *1991 Clean Air Plan*; this would be a significant, unavoidable effect, as with the previous project.

Land Use

Land uses would be the same as with the previously proposed project. Therefore, issues related to the compatibility of adjacent uses would be very similar to those that would occur with the previously proposed project. Decreased residential densities, compared to the previous project, would reduce somewhat the potential for sensitive receptors west of I-80 to be exposed to air quality effects, noise, and light and glare generated by commercial land uses. (In this regard, the Refined Project would be similar to the Reduced Density Alternative analyzed in EIR Chapter VI.)

Schools and Parks

Demand for public services would be less than the demand that would be anticipated with the previously proposed project because of reduced population. **School** impacts would be less severe than with the previous project but would be significant and unavoidable, as with the previous project, because elementary school capacity would not be sufficient to accommodate demand and the Refined Project would not result in sufficient fees to construct a new elementary school. Table 4 compares school impacts of the Refined Project with those of the previously proposed project. As indicated in Table 4, overall enrollment generated by the Refined Project would be about 7 percent less than with the previously proposed project, and the net shortfall in elementary school enrollment would be approximately 500, compared to about 725 with the previous project. The 500-student shortfall, while 30 percent smaller than that with the previously proposed project, would likely require construction of a new elementary school, because all West Contra Costa Unified School District elementary schools serving Hercules students are currently over capacity. Using the same assumptions about unit size (1,000 sq. ft. for a multi-family unit) as employed in Section IV.F, Public Services, of the Final EIR, the Refined Project would generate about \$4.4 million in residential development fees, compared to about \$6.6 million with the previous project. Including commercial development fees, the respective amounts would be approximately \$5.8 million and \$8.0 million. In each case, the fees anticipated to be collected would not be sufficient to fund construction of a new elementary school. As noted in the Final EIR (Mitigation Measure Schools-1c, p. IV.F-20), there are alternative strategies for reducing schools impacts. One option would be for the City to establish, through the Zoning Ordinance update, a procedure for imposing a school impact fee higher than the state-mandated maximum (currently \$1.72 per square foot of residential construction). For example, the West Contra Costa Unified School District has established a fee of \$3.45 per square foot of residential construction. The district seeks support for this fee in the form of legislative adoption by cities within the district. The district contends that a fee of \$3.45, which is slightly in excess of half of the cost of new school construction, is sufficient to mitigate impacts of new residential development on district schools because the district expects to be able to collect the remaining approximately 50 percent of construction fees from state or other funding sources. If such a higher fee were imposed by the City of Hercules, the City could direct that funds collected in excess of the state maximum of \$1.72 be spent on construction of a new school or on expansion and/or remodeling of schools within the City of Hercules. The General Plan Subcommittee has stated that school funds under City control and not required for new school construction shall be used for

TABLE 4: SCHOOL IMPACTS, 2010: REFINED PROJECT VS. PROPOSED PROJECT

School	Previous Project			Refined Project		
	Future Enrollment	Future Capacity	Surplus (Deficit)	Future Enrollment	Future Capacity	Surplus (Deficit)
Elementary Schools (4)	2,700	1,976	(724)	2,474	1,976	(498)
Middle Schools (2)	1,142	1,383	241	1,081	1,383	302
High Schools (2)	<u>2,479</u>	<u>2,809</u>	<u>330</u>	<u>2,357</u>	<u>2,809</u>	<u>452</u>
TOTALS	6,321	6,168	(153)	5,912	6,168	256

/a/ Assumes opening of Hanna Ranch Elementary School (capacity 650) and a new middle school-senior high school (capacity 800 middle school, 900 high school). Assumes no changes in capacity at existing schools, and assumes Ohlone Elementary continues on year-round sessions.

SOURCE: Environmental Science Associates.

improvements to Ohlone School. The following language is added to p. IV.F-20 of the Final EIR as a new mitigation measure:

Schools-1d: The City shall request the West Contra Costa School District to provide annual documentation that funds collected from developers and builders in the City are being utilized within the incorporated limits of the City of Hercules. In the event that development fees collected from developers are not needed for the construction of a new school, the City shall request that the District use those funds collected for expansion and/or improvement of Ohlone School.

Other mitigation options would include establishment of a Mello-Roos taxing district on a property proposed for development, and working with the West Contra Costa Unified School District and property owners to arrange donation of land for school sites. As noted in the Final EIR, land cost represents approximately 50 percent of school construction costs. Therefore, availability of land at no cost could substantially mitigate school facility impacts. School impact fees also could be used to expand existing schools, to the extent that land at existing school sites remains available. In regard to school sites, it should be noted that the existing Land Use Element designates Parcel C, the Citation site on Santa Fe Avenue, as an Elementary School site. The West Contra Costa Unified School District, in a 1991 letter to the property owner, indicated that the parcel was no longer needed as a school site. However, district staff have indicated in

public comment on the proposed project that the 1991 conclusion may need to be re-evaluated in light of the Land Use and Circulation Elements update.

Less residential population, compared to the previously proposed project, would lessen the need for City **park and recreation facilities**. At buildout under the Refined Project, assuming construction of the proposed 33-acre Waterfront Park as a Community Park, there would be sufficient community parkland. Assuming construction of the 11-acre Hanna Ranch Park and the 6-acre Forest Run park as Neighborhood Parks, the neighborhood parkland standard would be within one-half acre of being met. The City also would have sufficient open space, even assuming that the Refugio Creek flood control improvements were not counted as part of the total. This project-specific impact therefore would not be significant, in contrast to the previous project, which would result in significant effects on park services. As stated on EIR p. IV.F-10, the standards for parkland are citywide standards and most parkland in Hercules is east of Interstate 80. With cumulative development by 2010 outside the Study Area, principally at Franklin Canyon, there would be a shortfall of about 5 acres of neighborhood parkland. This would be a significant cumulative impact to which the Refined Project would contribute.

Other Public Services; Energy

Demand for other public services would be somewhat less with the Refined Project, compared to the previously proposed project. **Fire and police** impacts would be incrementally less substantial due to the lower buildout population. However, the anticipated daytime population of Hercules would be similar to that with the previous project, since the Refined Project would result in the same employment growth. Demand for potable **water** and for **wastewater treatment** would be somewhat less than with the previous project due to lower residential population. **Storm drainage** impacts would be similar because they would be a function of the amount of land developed. Effects on **government services** would be incrementally less substantial due to the decreased residential population. **Energy** impacts could decrease incrementally, but because commercial uses would be the same as with the previous project, this change would not be meaningful.

Vegetation and Wildlife; Geology; Hydrology; Hazardous Materials

Because the Refined Project would result in decreased residential densities, compared to the previously proposed project, impacts related to existing site-specific conditions, such as vegetation and wildlife, and geology, could be incrementally less severe on parcels designated

for residential development, compared to such impacts with the previous project. However, because those impacts would be largely a function of whether a particular parcel were developed and would be less dependent on the nature of development, a uniform reduction in permitted density would not itself result in substantially different impacts compared to the previous project. With reduced densities, and therefore potentially less site area to be affected by building construction, the Refined Project could allow more flexibility in siting development on environmentally sensitive parcels. In addition, the proposed Land Use Element Policy 14B calls for minimizing grading, excavation and filling. The reduced development area and the new policy could marginally reduce impacts, particularly on sensitive parcels, but the change cannot be quantified at the programmatic level of analysis used in the EIR. Impacts related to risk of flooding and to vehicle effects on runoff would relate to the placement of development on a site, and also cannot be quantified at this time; Policy 14B could help to limit effects. As with the No Project and Reduced Density Alternatives analyzed in Chapter VI of the Final EIR, the population potentially exposed to the 100-year flood would be smaller than with the previous project; with the Refined Project, the 2010 Study Area population would be about 33 percent less than with the previous project, and citywide population would be about 11 percent less. Impacts related to hazardous materials and to potential contamination of surface waters due to point-source pollution would be expected to be comparable to those of the previous project because commercial development would be at the same level; actual effects would depend on the nature of the commercial development approved. Existing laws and regulations would largely govern the handling of hazardous materials. Fewer residents would be exposed to hazards, compared to the previous project. As with the previously proposed project, the Refined Project would contribute to the cumulative hazardous waste disposal requirements in Contra Costa County, and would result in a significant unavoidable effect.

Cultural Resources; Visual Quality

Impacts related to cultural resources (historic buildings and archaeological resources) would also largely be a function of the location, and not the nature, of development, and would be similar to or less than those of the previous project.

Visual impacts could be incrementally less substantial than with the previously proposed project due to the smaller amount of development. This would be particularly true shorter and/or less bulky buildings were constructed on visually sensitive parcels. Such impacts might be mitigated through use of building design and/or vegetative screening, but parcel-specific review could be required. The proposed Land Use Element Policy 14B, calling for a minimum of grading,

excavation and fill, would be expected to limit somewhat the visual disruption caused by large-scale grading operations.

C. COMMENT LETTERS RECEIVED AFTER THE CLOSE OF THE EIR COMMENT PERIOD AND RESPONSES TO THOSE COMMENTS

On February 3, 1995, the City of Hercules (the Lead Agency under CEQA) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) on the proposed Hercules *General Plan* Land Use and Circulation Elements Update and Redevelopment Plan Amendments (EIR SCH No. 95033027; NOP SCH No. 94033034). The public review and comment period on the DEIR began on February 3, 1995, and closed on April 3, 1995, which is longer than the required 45 days. The City held a public hearing on the Draft EIR on April 3, 1995.

The CEQA *Guidelines* do not require that a lead agency respond to comments received following the close of the comment period (Sec. 15207). In the interest of public disclosure, the late comments are reported here, along with brief responses to those comments.

The format is the same as in Chapter VIII, Responses to Comments, of the Final EIR. Comment letters appear beginning on the following page, with responses to each letter following that letter. Each letter of comment is designated alphabetically; each comment is numbered in the margin of the comment letter, and the responses to all of the comments in a particular letter follow that letter. In some cases, the response refers to another response to a similar comment; the comments are referenced alphanumerically by letter and comment number, as in "the response to Comment T-2" (meaning the response to the second comment in letter T).

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X. Martin R. Engleman, P.E., Deputy Director, Planning, Contra Costa Transportation Authority	45

May 16, 1995

Gary Hembree
CITY OF HERCULES
111 Civic Drive
Hercules, CA 94547

Dear Gary:

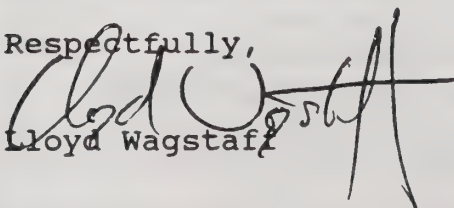
Enclosed is a summary of the comments I have raised so far through the EIR certification process for the Land Use and Circulation Elements to the City's General Plan. These comments include those made at the workshops for reviewing the Elements, the Redevelopment Agency and the Council's tour of the affected sites.

While I have not put it into the attached comments, I continue to have concerns about the proposed densities for all residential areas. I believe that we should designate these areas as single family residential -- consistent with all other housing development in Hercules on the Bay side of San Pablo Avenue. These area can be given a special designation that would allow the property owner to apply for the medium density level, but only if the proposal includes a plan to significantly meet the City's affordable housing needs.

I continue to be concerned about the proposed level of commercial development. I believe that we should show substantially lower commercial densities, unless the applicant shows that the proposed use will generate significant sales tax revenue.

At your convenience, I would like to go over these issues and see how they can be addressed. Clearly, it is for the full council to decide if they should be part of any final alternative in the EIR process, but I would like to know how these issues will be addressed in the FEIR, so that the Council can debate the issues.

Respectfully,


Lloyd Wagstaff

cc: City Council Members
City Planning Commission Members

COMMENTS ON THE CITY OF HERCULES
Draft EIR
February 3, 1995

THE FOLLOWING COMMENTS ADDRESS THE PROPOSED "LAND USE ELEMENT".

<p>Land Use Element Page 13: "Goals"</p>	<p>REPLACE: Preserve and enhance the community's quality of life with well balanced growth and development.</p> <p>WITH: <u>Generate increased revenue and business activity while maintaining Hercules' special Quality of Life.</u></p> <p>DISCUSSION: This wording is taken from the City's existing General Plan (pg. IX-8) and I think would make the amended General Plan more uniform throughout.</p>
<p>Land Use Element Page 14 Objective 1</p>	<p>AMEND: "Achieve a level of population and employment which preserves and enhances the desired character of the community."</p> <p>DISCUSSION: My concern is that we will immediately receive several applications for residential development, but continue to have no commercial development, which will exacerbate the City's financial condition.</p> <p>This is to request a policy development that will explicitly "balance" the ratio of future residential and non-residential development, so that the appropriate level of population and employment is truly preserved and enhanced.</p> <p>What is the "desired character of the community"?</p>
<p>Land Use Element Objective 2</p>	<p>REPLACE: "Develop a community that balances housing, jobs and commercial opportunities."</p> <p>WITH: <u>"The City will be developed as an extension of an urbanizing area with a balance of residential, commercial, industrial and public uses." (Pg. I-3, policy 2.a)</u></p>

DISCUSSION: This wording is the same as the City's General Plan (Page 1-3, policy 2.a) and would therefore make the General Plan more uniform throughout.

Land Use
Element
Page 15
Policy 2A

AMEND: "Commercial and industrial development shall be consistent with gross intensity ranges in the Land Use Diagram and Land Use Categories. ~~Higher intensity may be considered if such development is consistent with the City's goals and policies. However, each project with a proposed higher intensity would be subject to site-specific environmental analysis to determine incremental impacts.~~"

I am particularly concerned with wording that overtly encourages proposals beyond the densities that the Council is now considering. We are now attempting to weigh all issues - as we now know them - and come up with a reasonable compromise of overall strategic development of the City. The current wording will allow "higher intensity" development than what we are now considering, "if such development is consistent with the City's goals and policies".

I think Commissioner's Pandya's comments about "having a document with too many holes" applies here: We should make it clear what levels are acceptable, based on all of the data we have studied. If some other level of development makes sense, based on the project described by the property owner, let the Commission and Council work to amend the City's General Plan at that time, without the General Plan itself encouraging immediate amendment.

Land Use
Element
Policy 2

ADD: "Community resources are an integral part of the balance the City wishes to achieve and developing a Community Park and a Neighborhood Park on the Bayside of town will help achieve this balance."

DISCUSSION: This is consistent with my request that we recognize the need for resources within these neighborhoods.

Land Use Element Page 16	"Implement the Economic Development Strategy and conduct an annual assessment of the effort."
Program 2C.1	DISCUSSION: I think I support this, but since the "Economic Development Element" is already part of the General Plan, aren't we already doing this? What is being proposed that is above and beyond what we are doing now?

Land Use Element Page 17	"Develop a program that gives favorable consideration to new retail development that would generate substantial new sales, for businesses that would provide substantial employment, high growth technical businesses (particularly bio-tech, flex office and incubator uses), health care services, restaurants and innovative mixed use development proposals."
Program 2D	DISCUSSION: I support the spirit of this Program, but I do not understand why we are identifying such specific uses. It gives support to retail development (which will bring in sales tax revenue), and also to a hodge-podge of other types of development with an uncertain tax revenue stream. I'm not opposed to the list, I just don't understand the strategy that created this specific list; particularly after the comments of Amy Herman of Sedway & Associates, stating that we should not limit ourselves to only those concepts we now know about now. I would appreciate some background information as to why we want to list these specific issues.

Land Use Element Page 18 & 19	AMEND: "Reasonable traffic flow and direct access between neighborhoods should be provided or preserved, where feasible. "
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Policy 3C

DISCUSSION: I strongly support neighborhood integrity and I am concerned about the concept of traffic from Neighborhood 7 being allowed to flow into Neighborhood 6 without any quantifiable controls.

I believe that this proposed change is more consistent with wording from the existing and proposed Circulation Element

Neighborhood design should discourage through traffic on local streets.
(Proposed Circulation Element, C.2.b)

If my amendment is not to be implemented, I would recommend that we amend the Circulation Element so that it is clear this is no longer a City goal.

Land Use
Element
Page 20

Policy 5A

"Residential development shall be consistent with gross density ranges in the Land Use Categories and Land Use Diagram. Higher densities may be permitted that are consistent with State density bonus requirement subsequent to appropriate environmental review. Lower densities may be permitted only when specific findings are made by the planning Commission. The findings are:

- The development would be compatible with the surrounding neighborhood and would not have a detrimental effect on exiting or future multi-family development, or on existing or future commercial development.
- The reduced density will not prevent the City from achieving its goals for low and moderate income housing, as set forth in the Housing Element."

Once again, I am particularly concerned with wording that encourages proposals outside of the scope of what we are now considering. We are now attempting to weigh the issues - as we now know them - and come up with a reasonable compromise of overall strategic development of the City. The current wording will allow "higher intensity" development than what we are now considering, "if such development is consistent with the City's goals and policies".

I think Commissioner's Pandya's comments about "having a document with too many holes" applies here: We should make it clear what levels are acceptable, based on all of the data we have studied. If some other level of development makes sense, based on the project described by the property owner, let the Commission and Council work to amend the City's General Plan at that time, without the General Plan itself encouraging immediate amendment.

I believe that we can properly meet the City's commitments to affordable housing through other wording changes in the General Plan.

Land Use Element Page 22	AMEND: "Provide residential neighborhoods with a variety of cost ranges disbursed throughout the City."
Objective 6	<p>"Neighborhoods" are defined by the General Plan and many have already been built-out; there is no room for the "variety of cost ranges" in each of these areas without going back and changing designations within each of the 14 neighborhoods.</p> <p>I think it would be better to recognize the "regions" of the City, as the City is divided by I-80 and Hwy. 4, and develop a policy that calls for disbursement throughout these "regions".</p>

Land Use Element Page 23 Objective 7	<p>DEFINE: "Achieve a pattern of development that is consistent with the City's desired image."</p> <p>DISCUSSION: What is our "desired image"?</p>
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<p>Land Use Element Page 24</p> <p>Program 8A.2</p>	<p>"Prepare a detailed study of the Historic Town Center and adjoining area (including Hercules Point) in order to define the appropriate mix of public and private land uses, design guidelines, preservation of key building, vegetation (e.g. trees) and trails."</p>
	<p>DISCUSSION: The proposed Land Use Element is much more vague than the City's existing General Plan's statements regarding this area. Page V-12 of the General Plan states that this area "will include multi-use fields, picnic areas and parking" and "will be maintained in a natural condition reserved for passive recreation."</p> <p>Also, there is no mention of the 1984 study that was done by the Council for this area. I believe it would be appropriate to include the recommendations of the council's report, or mention the deficiencies of the 1984 Study.</p>
<p>Land Use Element Page 24 & 25</p> <p>Objective 10</p>	<p>ADD NEW POLICY: Within the Bayside of Hercules, develop and operate a Community Park and Neighborhood Park.</p> <p>DISCUSSION: Adding this Policy will help confirm the importance of "Recreational and Cultural" amenities that this objective seeks to achieve.</p>
<p>Land Use Element Page 24 & 25</p> <p>Objective 10</p>	<p>ADD NEW POLICY: Maximize public access and enjoyment of San Pablo Bay Shoreline.</p> <p>DISCUSSION: Adding this Policy will help confirm the importance of "Recreational and Cultural" amenities that this objective seeks to achieve.</p>
<p>Land Use Element Page 26</p> <p>Policy ¹³⁴ 134 ^{AWE}</p>	<p>AMEND: Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). The transition should separate land uses that might be incompatible if located in close proximity. Land uses must minimize adverse impacts and those that would not negatively impact adjoining properties should be encouraged., by using existing topography and natural resources.</p>

DISCUSSION: I am concerned that this policy calls for a "transition" without actually describing one. I feel that by using the wetlands and knolls in the area, that these transition areas will be much more obvious.

Land Use
Element
Page 27

DELETE: ~~Design of flood control improvements along Refugio Creek should be done in a manner to function as a transition area between land uses.~~

Policy 13B

DISCUSSION: By looking at the map on page IV.A-22 of the DEIR, it is clear that Refugio Creek will bisect similar uses of Parcels 1 and 3. We cannot comply with this policy, or we should review proposed land uses.

Land Use
Element
Page 27 &
28

AMEND: Establish a trail linkage between Pinole and Rodeo as part of the regional bay access trail, ~~without encroaching upon private property or bluffs within the Hercules industrial area,~~ unless it is determined to be unsafe for public access.

Policy
14A.2

DISCUSSION: I have always felt that development of this trail for the enjoyment of San Pablo Bay would be one of the finest resources of Hercules. a paved trail, with a slight grade, that any 8-year old could ride a bike on, would be a highly used resource by the people of Hercules - and by others that enjoy shoreline walks.

Beyond all of the economics of development, which we must pay attention to, it is Hercules "Special Quality of Life" that we must use to promote this as a unique place to work and live. Requesting that the owners of shoreline properties dedicate a 15-foot strip to the people of Hercules for their Quality of Life does not seem unreasonable.

Both the people of Hercules and the shoreline property owners must work together to develop the infrastructure and resources that will help the City.

A trail should be done safely. If it is determined that the public will not be safe, then this trail should not be developed.

T-1

Land Use Element Page 31 DESIGNATION: Historic Town Center (HTC)	REPLACE PROPOSED WORDING WITH: "The Historic Town Center shall be recognized as an area for future study. A specific plan shall be developed which will define the goals of the Historic District, recognizing a balance of residential, commercial, industrial and public uses."
	<p>This area is too controversial and this EIR has not given it the attention it deserves, considering its importance.</p> <p>The current wording proposes that the City give areas designations, then study them further through a specific plan some time in the future. I strongly believe that this area deserves to be studied <u>before</u> giving any new designations.</p> <p>Rather than extending the entire Land Use Element process, I recommend that we designate this an area of "future study" and give appropriate designations once we have a full understanding of the issues.</p>

Land Use Element Page 37 Planned Commercial- Residential (PCR)	(See text.)
	I have concerns about this type of development with the existing density levels within Hercules. I question whether this mix will work and if there is sufficient discussion to show how it will be approved.

Land Use Element Page 38	(See text.)
Industrial- Residential	I have concerns about this type of development with the existing density levels within Hercules. I question whether this mix will work and if there is sufficient discussion to show how it will be approved.

THE FOLLOWING COMMENTS ADDRESS THE PROPOSED "CIRCULATION ELEMENT".

Circulation Element Pg III.7	AMEND: "Identifying the transportation improvements which must be constructed in order to achieve the City's General Plan Policy of maintaining an acceptable Level of Service Level of Service D for peak hour traffic operating conditions was a three-step process."
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I am concerned that we are no longer seeking to have a Level of Service D, but instead an "acceptable Level of Service".

I recommend wording that shows we are still committed to and LOS of D at all intersections except San Pablo & Sycamore and San Pablo & John Muir.

**Circulation
Element
Page III.7**

AMEND: "There are several transportation improvements included in the City's Capital Improvement Program (CIP) and the Highway 4 West and San Pablo Avenue Circulation Improvement Plan. Table III.2 lists each project that has committed funding or is reasonably assured of being completed."

I continue to be concerned about the funding of these projects. Since this Element is proposing that we are committing to fund these projects and that this funding exists, I would like the costs of the CIP's estimated and the funding sources shown, so that we can see that there is a balance.

**Circulation
Element
Page III.15**

"Although State Route 4 does not presently have an outstanding scenic quality within the City, other nearby portions of Route 4 are quite scenic (such as the Franklin Canyon Golf Course.) Since Route 4 is an important window to the City, the general movement of the view from this facility is a desirable environmental goal. The City should be particularly interested in the design configuration and quality of landscaping in connection with future construction to freeway standards by the State."

I really do not know what this is all saying, but I do know that the segment of Highway 4 now within the City of Hercules is one of the most scenic segments of the entire highway.

I would ask that we either acknowledge that there is a "scenic quality" worth integrating into our General Plan or there is no scenic quality worth acknowledging.

**Circulation
Element
III.19**

Deletion of Trails

As mentioned in my comments on the Land Use Element, I believe that a shoreline trail is an integral part of the City's Quality of Life.

I recommend that we do not delete this section, but expand it by showing all possible trail routes - existing and proposed - within the city.

**Circulation
Element
III.20**

"Other Transportation Facilities"

There is a lack of discussion of the proposed commuter rail station on the HPI property. As BART is now actively considering taking over the Capital rail service from Amtrack, and is considering adding a station in Hercules, I recommend that we address this issue; either actively supporting it or rejecting it.

I would hope that we will support it. And by addressing it as much as possible within this process, help minimize the CEQA process for BART.

**Circulation
Element
III.21**

The Draft Element proposes: "The following are the traffic service standards for Basic Routes (Local Streets) in Hercules:

LOS "High" D to "Low" E

-Sycamore Avenue (Bayberry - San Pablo)

-Bayberry (from I-80 ramps to Sycamore)

I strongly oppose allowing this to occur. Degrading traffic standards from "D" to "E" directly impacts the issue of Quality of Life in the most direct way.

I recommend that this be amended to and LOS "D".

**Circulation
Element
Page III.22**

~~The Draft Element proposes: "For health, safety and general welfare, it is the City's policy to provide adequate levels of traffic service throughout the City. Level of Service D or better is the city-wide standard for traffic operating conditions during peak hours on arterial streets and intersections."~~

I recommend that this paragraph be reinstated and amended to acknowledge concerns on San Pablo Avenue.

<p>Circulation Element III.23</p>	<p>The Draft Element proposes to amend: <u>San Pablo Avenue and State Route 4 are designated as scenic routes in the City.</u></p> <p>San Pablo Avenue and State Route 4 are designated as scenic routes in the City. These designations are compatible with the county scenic routes proposed in the Contra Costa County's preliminary draft of their Scenic Routes Element.</p> <p>This statement no longer defines what a "Scenic Route" is in the city of Hercules and how it should be dealt with as part of the General Plan.</p> <p>I recommend that we define what a scenic route means to Hercules.</p>
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<p>Circulation Element Page III.26</p>	<p>The Draft Element proposes: "Establish a traffic mitigation fee to be paid by all remaining development projects to offset the needed improvements outline in the City Wide Traffic Study."</p> <p>I recognize that we are essentially supplanting the CWTs, but I do not see any other reference to funding through traffic mitigation fees and I am concerned that we are deleting this entire section.</p>
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<p>Circulation Element Figures III.1 - III.6</p>	<p>These figures delineate the "Ultimate" location of Highway 4 being the "North" route, which is no longer recognized as a viable alternative.</p> <p>With the completion of the CalTrans MIS and the preparation of the EIR/EIS for Highway 4, it is clear that the former proposed route is no longer viable and all viable alternatives are essentially in the location of what is sometimes shown in this EIR as the "John Muir Parkway".</p> <p>I recommend that the Traffic Element consistently show Highway 4 in its current location, both in existing and in proposed figures.</p>
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THE FOLLOWING ADDRESS THE TEXT WITHIN THE DRAFT EIR.

<p>Draft EIR IV.A-18</p>	<p>The Draft EIR states: "The City believes that a trail along the entire City shoreline could present problems related to the safety of trail users as well as security problems for owners of shoreline properties".</p>
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T-3

	I am not aware of any study stating what "problems" may exist. I recommend that we study this issue to determine if it is true.	T-3 cont'd
Draft EIR IV.A-24	<p>The DEIR states: "Concept 4: A limited amount of new residential development should be allowed on vacant properties that adjoin existing neighborhoods and that are more closely associated with existing neighborhoods than the employment or commercial areas. Buffers should be established between the residential and non-residential areas."</p> <p>First, what is a "Concept"? This is the only one I can find in the DEIR.</p> <p>Second, I agree with the "Concept", but I do not find it being complied with in the proposed Land Use Element changes. There is no "buffer" between proposed residential and commercial development.</p> <p>I recommend that we look at alternatives that comply with this Concept.</p>	T-4
Draft EIR IV.B-15	<p>Bicycle and Pedestrian Facilities.</p> <p>This section lists a number of facilities, none of which are listed in the Circulation Element, nor do I find them in the Open Space and Conservation Element. Shouldn't these be integrated somewhere into the General Plan?</p>	T-5
Draft EIR IV.D-31	<p>Biology Mitigation Measure 2b: States that the City will work with state and federal agencies permitting process as to wetlands.</p> <p>Not being a biologist, I have always assumed riparian corridors are "legally" different from wetlands. If so, I would ask that this be amended to include riparian corridors.</p>	T-6
Draft EIR IV.F-9	<p>Parks & Open Space.</p> <p>The DEIR does not acknowledge that the City's General Plan's statements regarding "Waterfront Park" Page V-12 states "The waterfront park facilities will include multi-use fields, picnic areas and parking. Much of the park will be maintained in a natural condition reserved for passive recreation."</p> <p>Page V-14 states "Public access to the Bay will be through the waterfront park, a twenty-acre community-type facility."</p>	T-7

The plan must be amended to address these statements in our current General Plan, or amendments deleting references for the creation of this park could be deleted.

T-7
cont'd

Draft EIR
IV.L-14

The DEIR states: "The traffic noise would be mostly due to the heavy duty diesel trucks that would be expected to use Hercules Avenue."

It further states: "Existing residential land uses would however, be located close enough to new noise sources to be exposed above the City's recommended noise standards. Existing residential areas south of Sycamore Avenue, south of Parcel 1, and in the Historic District could be exposed to new noise sources that are above City Standards."

I continue to be concerned about these statements and ask that they be addressed.

T-8

Draft EIR
V-1

Impact Schools-1
Impact Park-1

I continue to be concerned about these "Significant Unavoidable Environmental Impacts" and will continue to look for ways to address and minimize them.

T-9

The first series of comments in Council Member Wagstaff's letter address the proposed Land Use and Circulation Elements Update and not the adequacy of the EIR. Therefore, no response is provided to these comments, except for informational responses in a limited number of instances.

- T-1) For information, note that the Refined Project would include strengthening of Program 14A.2 of the Land Use Element to allow a regional bay access trail to be developed on private property in the industrial area of the City (see p. 6 of this Addendum).
- T-2) For information, note that the General Plan Subcommittee called for a new Policy 8A.3 that would designate Parcels 1 and 2, the Hercules Properties Inc. parcels, as a "special study area" that would require the parcel to undergo review as a planned unit development. The EIR analyzed the Historic Town Center as designated in the Community Panel Recommended Concept.
- T-3) Please see the response to Comment T-1, above.
- T-4) The comment cites language in the Draft EIR that quotes the "four major concepts" that guide the proposed Land Use Element (pp. 13-14). All four concepts are listed on EIR p. III-4. Concept 4 is identified as mitigation for potential incompatibilities introduced by development of different land uses on adjoining parcels or on adjoining sites within a parcel. Regarding a buffer between residential and commercial uses, it is not necessary to have a buffer shown in the land use map; that would entail placing a third land use between residential and commercial designations. In practice, *General Plan* policies and/or zoning restrictions could be developed to require a physical buffer between houses and commercial uses. Such buffers could be created by physical separation, vegetation, setbacks, and other means.
- T-5) The EIR includes a discussion of bicycle and pedestrian facilities as part of the description of the existing environmental setting (p. IV.B-15) and analysis of environmental impacts (p. IV.B-40). The draft Circulation Element includes Implementation Action 11,

"Encourage pedestrian and bicycle travel for home-to-work and home-to-local-shopping trips through the provision of pathways and bicycle storage."

- T-6) Potential impacts to wetlands and to the Refugio Creek riparian corridor are addressed in separate impact statements on pp. IV.D-31 and IV.D-33, respectively, of the EIR. Mitigation Measure Biology-3b, Final EIR p. IV.D-34, addresses protection of riparian corridors.
- T-7) As stated on FEIR p. IV.F-29, the Waterfront Park is considered a "Community Park" for purposes of the analysis of park facilities. The EIR does not address specific facilities to be created at Waterfront Park, except to note, on p. IV.F-29, that the park could not accommodate a ballfield. The EIR analysis therefore does not conflict with the description in the Open Space Element.
- T-8) Regarding traffic noise (Impact Noise-2, EIR p. IV.L-11), please see the responses to Comments I-3 and R-22 in the Final EIR. Response I-3, Final EIR p. VIII.A-78, states that the EIR assumed a Railroad Avenue connection in the analysis of traffic conditions in 2010 because that roadway is included in the 2010 scenario depicted in the Contra Costa Transportation Authority's West County Travel Demand Model, on which the traffic analysis was based. The West County Model projects a substantial increase in Hercules Avenue traffic, most of which would not originate in the Hercules-by-the-Bay neighborhood, but would use Hercules Avenue as a connecting street between San Pablo Avenue and commercial and offices uses north of Hercules Avenue. Because it assumed the Railroad Avenue connection, the EIR was conservative in its analysis of traffic and traffic-related noise impacts on Hercules Avenue. If no connection were to be provided along Railroad Avenue between Hercules Avenue and the Sycamore Avenue extension, most of the 2010 traffic now forecast to travel on Hercules Avenue would be diverted to San Pablo Avenue, Sycamore Avenue and, potentially, a westward extension of John Muir Parkway. Intersection operations at San Pablo Avenue/Sycamore Avenue and San Pablo Avenue/John Muir Parkway, already forecast to operate at LOS F with very high volume-to-capacity ratios, would worsen. If no connection were to be provided along Railroad Avenue, only Parcels B, C, possibly Parcel 5, and the southern portion of Parcel 1 would have access via Hercules Avenue. Emergency vehicle access would be provided between Railroad Avenue and Parcel 1. Response I-3 discusses potential means of discouraging through traffic in the event the City elects to retain a local connection along Railroad Avenue. Please refer to response I-3 for additional information.

Response R-22, Final EIR p. VIII.A-133, discusses traffic noise on Hercules Avenue. As stated in the Response R-22, Mitigation Measure Noise-2a, FEIR p. IV.L-14, and Implementation Measure 2.a in the City's adopted *General Plan* Noise Element (see FEIR p. IV.L-13) would limit truck traffic on Hercules Avenue, regardless of whether a roadway connection were provided on Railroad Avenue. Therefore, the paragraph below Mitigation Measure Noise-2a, p. IV.L-14 was revised in the Final EIR to delete the statement regarding heavy-duty diesel trucks on Hercules Avenue.

Regarding stationary source noise impacts (Impact Noise-3, EIR p. IV.L-14), mitigation measures identified on pp. IV.L-15 - 16 would reduce the impact on existing residences of noise from development of new retail, industrial and research facilities and other residences to a less-than-significant level. Most measures are included in the City's Noise Element. The EIR also identifies development of a Noise Ordinance (Measure Noise-3a) and project-specific review of noise impacts (Measure Noise-3b) as additional mitigation.

T-9) Comment noted. Regarding school impacts, the Refined Project analyzed in this Addendum would reduce, but not eliminate, the project impact on school facilities. Please see p. 10 of this Addendum for additional information.

Regarding park impacts, the Refined Project analyzed in this Addendum would eliminate the project-specific park impact, although not the cumulative impact. See p. 12 of this Addendum for additional information.



IN REPLY REFER TO:

United States Department of the Interior

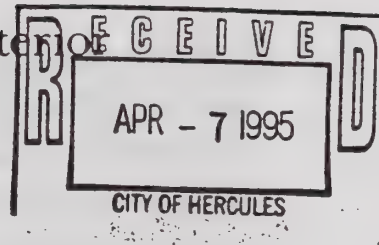
FISH AND WILDLIFE SERVICE

Ecological Services

Sacramento Field Office

2800 Cottage Way, Room E-1803

Sacramento, California 95825



In Reply Refer To:

PPN 1744

April 7, 1995

Gary Hembree
Community and Business Development Director
City of Hercules
111 Civic Drive
Hercules, California 94547

Subject: Draft Environmental Impact Report for the Update of the Land Use and Circulation Elements of the General Plan for the City of Hercules, San Pablo Bay, Hercules, Contra Costa County, California

Dear Mr. Hembree:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR), dated February 3, 1995, regarding a proposal to update the Land Use and Circulation Elements of the Hercules General Plan. These comments are intended to assist you in your review of the proposal, and will not take the place of any formal comments that may be required under the provisions of the Fish and Wildlife Coordination Act.

PROJECT DESCRIPTION

The DEIR proposes the redesignation of approximately 600 acres, divided into 24 parcels, primarily located west of I-80 and along the State Route (SR) 4 corridor. Impact projections address the target land use densities for the year 2010. The Circulation Element of the General Plan evaluates the traffic and circulation constraints associated with each of the 24 affected parcels and describes several roadway and other transportation improvement projects expected to be completed by 2010. These include new roadways west of San Pablo Avenue, upgrades for SR 4 to freeway standards between Interstate 80 and Cummings Skyway, and new local streets to provide access between the proposed SR 4 freeway and the proposed residential neighborhoods.

SPECIFIC COMMENTS

Wetlands. The Service's Region 1 mitigation goal for wetlands is no net loss of in-kind habitat value or acreage, whichever is greater because:
1) Wetlands, including riparian habitats, have a very high value to migratory birds and numerous wildlife and 2) they are becoming increasingly scarce in California.

The Service recommends that the project site be surveyed by the U.S. Army Corps of Engineers (Corps) before development to determine the presence and location of jurisdictional wetlands. This information will be necessary to provide guidance for future development in order to minimize the impacts to jurisdictional wetlands.

U-1

Page II, Items 27-35. Mitigation Measures. The Service recommends that individual projects be reviewed by the City prior to any development to ensure that the individual projects meet the mitigation goals outlined in table II.1.

U-2

Page II, Item 50. Storm Drainage. The DEIR states that the waste and stormwater runoff for the City of Hercules is at capacity. The proposed development in Hercules may result in a subsequent increase in urban runoff that may adversely impact downstream habitats. The DEIR states that a Master Water Quality Control Plan will be developed to minimize these impacts. The Service recommends that any Water Quality Control Plan developed outline steps to ensure the continual protection of the existing wetlands from increases in non-point source pollution.

U-3

Page IV, Section D, Items 4-9. The DEIR does not identify the acreage of existing wetlands within the project area. The location and acreage of wetlands to be avoided and the potential locations and acreage of mitigation and replacement wetlands need to be identified in the DEIR. In order to minimize the impacts to wildlife in the project area, the Service recommends that mitigation wetlands be created within the project area whenever possible.

U-4

Page IV, Items I.7-10. Flood Control. A substantial number of parcels are sited within the floodplains of Refugio Creek. The parcels adjacent of Refugio Creek should continue to be considered an area of risk regardless of plans to channelize the creek due to potential failure of the channel capacity. In addition, no provisions have been proposed to adequately address increased stream velocities and sediment loads from project implementation and subsequent urban runoff that may adversely impact downstream habitats or cause increased risk to downstream property owners during flood events. Executive Order 11988, May 24, 1977, requires all Federal Agencies to "avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid the direct or indirect support of floodplain development whenever there is a practical alternative." Therefore, the Service recommends against development within the floodplain and that practical alternatives be addressed in the DEIR.

U-5

The DEIR states that "portions of the study area would be subject to 100-year flooding from Refugio Creek to varying base elevations. Although the purpose of channelizing the creek would be to reduce the potential for flooding, new development could be exposed to flood conditions. This effect could be exacerbated by an increase in impermeable surfaces that would be accompanied with new development that occurs near the creek" (p. IV.I.7). The DEIR states that the "Refugio Creek Channel should be improved for existing drainage so that adequate capacity for expected flood flows is provided" (p. IV.I.8). Channelizing the creek would impact the riparian and seasonal wetlands and mitigation plans for these impacts should be provided in the DEIR. The Service recommends that the DEIR provide additional information on the flood control plan for Refugio Creek, including the specific reach, approximate channel length and temporary or permanent impacts to the existing riparian habitat as a result of this flood control project.

Page IV, Section D, Items 1-38. Sensitive Species. The DEIR states that "an ESA biologist conducted a field survey of [the study area] on October 12, 1993" (p. IV.D.1). The DEIR provides inadequate information to determine: 1) How the survey was conducted and what species and habitats were surveyed and 2) the results of this survey. The Service recommends that field surveys be performed by qualified biologists in the spring and fall, before any development occurs in the project area. This will ensure that the potential sensitive species are identified and to minimize the impacts of the proposed development on both sensitive species and their habitat.

U-6

RECOMMENDATION AND CONCLUSIONS


The Service recommends the following:

1. Avoid further construction and development within the 100-year floodplain. Although the DEIR states that the impacts resulting from development within the 100-year floodplain can be mitigated to the less than significant level, a well developed flood control plan is not provided. The plans to improve Refugio Creek Channel for "existing drainage, so that adequate capacity for expected floodflows is provided" may result in substantially altered flows, stream courses, and the riparian and wetland habitat in this area. Downstream impacts also should be evaluated.
2. Individual projects should be reviewed by the City prior to any development, to ensure that the individual projects meet the mitigation goals outlined in table II.1.
3. Field surveys of the project area should be performed by qualified biologists in the spring and fall, before any development occurs in the project area, to ensure that sensitive species and their habitats are identified.
4. The Water Quality Control Plan to be developed by the City should outline methods to ensure the continual protection of the existing wetlands from increases in non-point source pollution.
5. The Service recommends that existing wetlands be surveyed by the Corps to determine the presence and location of jurisdictional wetlands prior to development.

U-7

If you have any further questions regarding these comments, please contact Louise Lampara (Wetlands Branch) at (916) 979-2113.

Sincerely,


Joel A. Medlin
Field Supervisor

cc: ARD-ES, Portland, OR
COE, San Francisco District (Regulatory)
Reg. Mgr., CDFG, Region III, Yountville

- U-1) Potential impacts to wetlands are described in the Draft EIR on pp. IV.D-30 - 31, as amended in the Final EIR. The "no net loss" policy of the U.S. Fish and Wildlife Service and Army Corps of Engineers is described on p. IV.D-30. On that same page, the EIR states that a wetland delineation would be required prior to development along Refugio Creek and other drainages to determine the extent of jurisdictional wetlands. Mitigation Measures Biology-2a and 2b, as amended in the Final EIR, would minimize effects on wetlands within the Study area. As noted in EIR Chapter I, Introduction, on p. I-3, the EIR has been prepared as a Program EIR to identify general areas of environmental sensitivity and the potential general, cumulative effects of the proposed Land Use and Circulation Elements Update. Subsequent project-specific environmental review, including wetland delineation, could be required in the future. Please see also the response to Comment F-8 in the Final EIR, p. VIII.A-39, which describes further surveys that would be required prior to development.
- U-2) Regarding review of individual projects by the City, the commenter refers to mitigation measures in Section IV.D, Vegetation and Wildlife, as summarized in DEIR Chapter II, Summary. As required by state law, development must be consistent with the *General Plan*. The City would review individual projects for *General Plan* consistency, including the policies and programs identified to minimize effects on biological resources.
- U-3) Regarding storm drainage, the Draft EIR states, in Mitigation Measure Hydrology-2a, p. IV.I-10, that a Master Water Quality Control Plan would include policies for preventing pollution from such non-point sources as roadway runoff. Such a plan would be subject to approval by the Regional Water Quality Control Board and the State Department of Water Resources.
- U-4) Regarding existing wetlands, as noted above, this EIR has been prepared as a Program EIR to identify general areas of environmental sensitivity and the potential general, cumulative effects; subsequent project-specific environmental review would identify potential effects on wetlands of a particular development proposal.
- U-5) Concerning flood control, the EIR identifies mitigation measures to reduce the potential impact to a less-than-significant level. Note that the adopted *General Plan* Growth

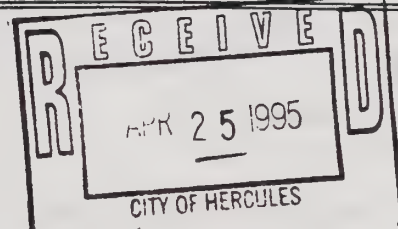
Management Element restricts development within FEMA Flood Zones A and B, as stated on p. IV.I-8. Effects of sedimentation are discussed in Section IV.J, Geology and Soils, at Impact Geology-3, p. IV.J-15. Mitigation Measure Geology-3b, p. IV.J-17 calls for the use of silt fencing, sediment trapping basins, runoff diversion devices, and hydroseeding of barren slopes to minimize or prevent erosion and sedimentation. Mitigation Measure Geology-3b also recommends that project sponsors submit an erosion control plan to the City. Potential effects to wetlands and riparian habitat are discussed in Section IV.D, Vegetation and Wildlife.

U-6) Regarding special status species, as noted above, the EIR has been prepared as a Program EIR to identify general areas of environmental sensitivity and the potential general, cumulative effects; subsequent project-specific environmental review would identify potential effects on wetlands of a particular development proposal. The field survey, a site reconnaissance, was conducted to generally assess, at a program level, habitat in the Study Area and the potential for adverse affects to biological resources. No attempt was made to specifically document sensitive species occurring in the Study Area or potential site-specific habitat of sensitive species; rather, the potential for special status species to exist was described, based on the field survey, review of the California Natural Diversity Data Base, and review of other available biological literature and previous studies, as stated on p. IV.D-1 of the Draft EIR. The EIR includes Mitigation Measure Biology-6c, p. IV.D-37, that would incorporate into the draft Land Use Element Update subsequent project-specific surveys of potential special status species habitat.

U-7) Comment noted. This comment makes recommendations based on the previous comments.

DEPARTMENT OF TRANSPORTATION

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 OAKLAND, CA 94623-0660
 (510) 286-4444
 TDD (510) 286-4454



April 21, 1995

CC-GEN-GEN
 SCH#95033027
 CC000102

*past comment
 period*

Mr. Gary Hembree, Director
 City of Hercules Community and Business
 Development Department
 111 Civic Drive
 Hercules, CA 94547

RE: Draft Environmental Impact Report on the City of Hercules General Plan -
 The proposed project would include Land Use and Circulation Elements
 Update and Redevelopment Plan Amendments

Dear Mr. Hembree:

Thank you for including the California Department of Transportation (Caltrans) in the early environmental review process for this project. We generally concur with the proposed scope of information addressed in the Draft Environmental Report of the General Plan.

Caltrans recommends that a mitigation monitoring program which coincides with each stage of development clearly delineate the nature of the mitigation, the party or entity responsible for implementation, and the party responsible for monitoring, timing and costs. We also recognize that any mitigation measure proposed within this document could be modified based on the impacts of each specific project as this plan is developed.

V-1

On page IV B-22, please revise Figure IV.B.4 to indicate that a new interchange between I-80 and Cummings Skyway is proposed at a location which will likely be at least 2 miles east of the I-80/Route 4 Junction and not "at Clay's Road" as shown on this figure. When this new interchange is constructed, it is planned that the ramps on Willow Avenue Overcrossing will be removed. Therefore, the proposed westbound on and off-ramps on Willow Avenue Overcrossing should be indicated as "temporary ramps".

V-2

Hembree/CC000102
April 21, 1995
Page 2

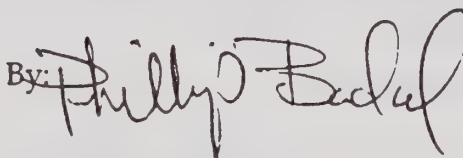
The delineated "New SR 4 Freeway" should be labeled Proposed SR 4 Freeway or a potential alignment. The new Route 4 freeway will most likely closely follow the existing Route 4 (shown as the John Muir Parkway).

V-3

Caltrans appreciates the opportunity to review this Draft EIR and looks forward to work closely with the City of Hercules to integrate land use development and the proposed reconstruction of the I-80/Route 4 Interchange. Should you have any questions regarding our comments, please call Melinda Pagaduan of my staff at (510) 286-5544.

Sincerely,

JOE BROWNE
District Director

By: 

PHILLIP BADAL
District Branch Chief
IGR/CEQA

cc: Mike Chiariatti, SCH
Craig Goldblatt, MTC
Patricia Perry ABAG

Letter V - Joe Browne, District Director, California Department of Transportation,
April 21, 1995

- V-1) Regarding mitigation monitoring, CEQA Sec. 21081.6(a) requires adoption of a mitigation monitoring program as part of the project approval process. This document will be prepared separately from the EIR, and will be used by the City Council in its decision on project approval.
- V-2) Regarding the Willow Avenue ramps, because no alignment for the potential SR 4 freeway has been selected, the future of the proposed Willow Avenue ramps cannot be definitively addressed. The City recognizes that there would be no Willow Avenue interchange once the freeway were constructed. However, the possibility remains that the ramps could serve a frontage road that could exist on the current SR 4 alignment.
- V-3) Regarding the depiction of the proposed SR 4 freeway, the figures in the EIR Transportation and Circulation Analysis are not intended to define roadway alignments, but are instead conceptual. As noted by commenters on the Draft EIR, the proposed SR 4 freeway may not be completed by the 2010 buildout year assumed in the DEIR. Because the completion of the SR 4 freeway is not certain, no change is required to the EIR figures regarding the proposed freeway alignment.

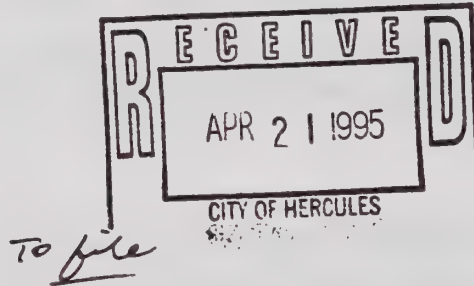
REGIONAL PARKS

W

EAST BAY REGIONAL PARK DISTRICT

April 19, 1995

City of Hercules
Planning Commission
Attention: Gary Hembree
Community & Business
Development Director
111 Civic Drive
Hercules, CA 94547



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Subject: City of Hercules Update of the Land Use and Circulation
Elements of its General Plan

Dear Commissioners:

The East Bay Regional Park District (EBRPD) previously commented on the draft EIR for the Hercules General Plan update. This letter comments on an aspect of the General Plan update itself that is of concern to the EBRPD and is more appropriately addressed separately. Our concern, which we have commented on previously at various times in working with the City, relates to the General Plan designated alignment for the trail connection from Pinole to Rodeo through Hercules. The City's adopted alignment for this trail moves inland away from the shoreline, via Refugio Creek to San Pablo Avenue, and then terminates at the City's northerly boundary with no connection back to the shoreline in Rodeo. This alignment is inconsistent with the state established (SB400, Lockyer) San Francisco Bay Trail and with the EBRPD Master Plan Regional Trail along San Pablo Bay from Point Pinole to Crockett.

The District believes that this General Plan update provides an appropriate opportunity for the City to amend its General Plan to designate a shoreline route for this state and regional trail. Adding this shoreline route does not mean it is necessary to eliminate the Refugio Creek trail proposal, as that can remain as a local feeder trail. If a trail alignment is shown on San Pablo Avenue extending to the northerly city limits, we recommend that the General Plan specifically indicate the intent of the City to work with the community of Rodeo and Contra Costa County to assure that the trail can be extended through Rodeo to bring it back to the existing EBRPD shoreline trail in that community.

W-1



The District recognizes that Hercules has concerns about the feasibility of a shoreline trail running along the general alignment of the SP Railroad but we believe that in a long range plan, such as the General Plan, it is important to show trails in the desired ultimate alignment even if there may be obstacles that need to be overcome before they can be developed. By providing for the trail in the General Plan the City will be in a position, when an opportunity to develop it arises, to implement the trail. The District believes incorporating this state and regional trail segment within the General Plan would be consistent with the goals and objectives as listed on page III-4 and III-5:

GOALS

- o Preserve and enhance the community's quality of life with well balanced growth and development.
- o Enhance and create a community with a wide range of choices, services and amenities.

OBJECTIVES

- Objective 10: Provide recreational and cultural amenities within the community that meet the needs of the residents and workers.
- Objective 11: Participate and cooperate in regional and sub-regional planning activities.
- Objective 14: Protect and enhance significant environmental attributes and features.

The District believes that the trail along the shoreline through the community offers important opportunities for the City to enhance a number of specific proposals included in the General Plan. These opportunities are noted below:

- o It would provide a connection to the proposed pedestrian/bicycle bridge across the Southern Pacific Railway connecting the center of the community with Hercules Point, as called for in the redevelopment plan.

W-1
cont'd

- o The proposed waterfront commercial designation for Hercules Point includes a variety of uses that would benefit from improved public access, especially access that does not require parking or provision for vehicles
- o The waterfront commercial uses will have a significant component of public access to San Francisco Bay under the provisions of the necessary BCDC approval. The shoreline trail through this area will provide an opportunity to connect the historic town center, proposed general commercial, office and other employment, as well as the desired future railroad station, with the new waterfront and with the trail links to Pinole and Rodeo.
- o Provision for this trail, which is a part of the State and Regional trail, system will also bring the general plan in line with the intent of Section 5076 of the Public Resources Code, which requires that "cities and counties consider demands for trail oriented recreational use" and "consider the feasibility of integrating its trail routes with appropriate segments of the state system".

W-1
cont'd

The EBRPD has constructed important segments of the shoreline trail in the communities of Pinole and Rodeo immediately adjacent to Hercules and eventually will complete the connection. The EBRPD will appreciate the support of the City of Hercules, through its General Plan, in achieving this, even though it may take many years before the circumstances arise that make it possible. The District believes that Hercules, as a city which itself is the product of a sudden major change in land use resulting from the decisions of a single corporation, should particularly recognize the importance of being ready to respond when such opportunities arise.

The District urges the Planning Commission to recommend to the City Council that the General Plan Amendment include the designation of a shoreline route for the San Francisco Bay Trail and EBRPD Master Plan Trail connecting along the entire Hercules shoreline and joining the existing trail at Lone Tree Point in

Rodeo and in Pinole. The designation of a trail connection along Refugio Creek to San Pablo Avenue can be retained in the plan as an alternate interim solution which should appropriately be developed as a community or feeder trail.

W-1
cont'd

Very truly yours,



Martin Vitz
Advanced Planning Manager

cc: Bob Doyle
David Dowswell
Brian Wiese/ABAG
Jim Cutler
Jack Meehan
Terry Marrinan

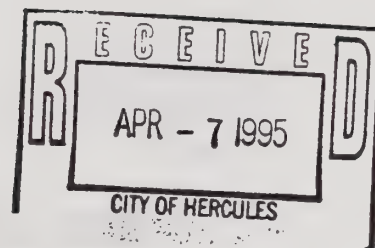
Letter W - Martin Vitz, Advanced Planning Manager, East Bay Regional Park District,
April 19, 1995

W-1) Regarding the proposed Bay trail, the Draft EIR describes the City's adopted trail alignment on p. IV.A-18. Note that the Refined Project would include strengthening of Program 14A.2 of the Land Use Element to allow a regional bay access trail to be developed on private property in the industrial area of the City (see p. 6 of this Addendum).

For information, it should be noted that the East Bay Regional Park District commented previously on the Notice of Preparation for the Draft EIR. That comment letter is included in Appendix B of the DEIR.



CONTRA COSTA TRANSPORTATION AUTHORITY



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Hermann Weim

Robert K. McCleary
Executive Director

April 5, 1995

Mr. Gary Hembree
Community and Business Development Director
City of Hercules
111 Civic Drive
Hercules, CA 94547

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT:
GENERAL PLAN LAND USE AND CIRCULATION ELEMENTS
UPDATE

Dear Mr. Hembree:

We are pleased to have the opportunity to comment on the City of Hercules General Plan Land Use and Circulation Elements Update and Redevelopment Plan Amendments dated February 3, 1995.

Our comments concern three primary areas: First, the effect this amendment will have on the West County Action Plan; second, potential deficiencies on San Pablo Avenue relative to the Congestion Management Program; and third, opportunities for participation in the Authority's Regional Transportation Mitigation Program to fund improvements to State Route (SR) 4 and San Pablo Avenue.

1. **Effect of this amendment on the West County Action Plan.** The West County Action Plan sets the threshold for project size requiring General Plan Amendment (GPA) review by the Regional Transportation Planning Committee at 100 peak hour trips (see *West County Action Plan, Proposal for Adoption*, December 9, 1994, p. 112). The proposed amendment is forecast to generate over 16,000 peak hour trips in the p.m. peak hour (Table IV.B.5), thereby triggering the GPA review process. The DEIR demonstrates that the proposed General Plan Amendment would adversely affect the ability to meet the TSO of level of service E on San Pablo Avenue. The Authority's Growth Management Program requires that, in the case where ability to meet TSOs is adversely affected, the jurisdiction proposing the GPA also propose modifications to the Action Plan that will prevent the GPA from adversely affecting the regional transportation network. If, through the WCCTAC forum, appropriate mitigations and modifications to

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X-1



the Action Plan cannot be agreed upon, the jurisdiction's approval of the General Plan Amendment may lead to a finding of non-compliance with the Growth Management Program (see *Implementation Documents*, December 1990, p. IG-52).

X-1
cont'd

2. **Congestion Management Program Considerations:** Page IV.B-17 cites the 1991 Congestion Management Program level of service standards for I-80 and SR 4. The FEIR should address the CMP LOS standard for San Pablo Avenue as well. Although the intersections of San Pablo Avenue and Sycamore Avenue, and San Pablo Avenue and John Muir Parkway are not currently CMP monitoring intersections, they will need to be monitored in the future to determine when level of service violations occur. According to Table IV.B.4, the intersection of San Pablo Avenue and Sycamore Avenue currently operate at LOS A in the a.m. and p.m. peak hours. Table IV.B.7 shows year 2010 operation at LOS F in the a.m. and p.m. peak hours, with V/C ratios of 1.35 and 1.37 respectively. Similarly, for the intersection of San Pablo Avenue and John Muir Parkway, the existing LOS is shown at B in the a.m. and D in the p.m., with level F forecasted for the year 2010. In the future, if monitoring of these intersections shows violation of the CMP LOS standard of E, the City of Hercules could be required to prepare a Deficiency Plan for those intersections. The FEIR should address ability to meet CMP LOS standards and the implications of a potential deficiency plan.

X-2

The V/C ratio projected for the San Pablo Avenue and John Muir Parkway intersection for the year 2010 causes additional concerns. The p.m. peak hour V/C is projected at 2.49. This means that demand will be two and one-half times the capacity of the intersection. How would this level of demand translate into delay for drivers trying to get through this intersection in the p.m. peak hour? How would this level of demand translate into queue length of cars? Would the queues affect operation of adjacent intersections?

3. **Opportunities for participation in the Authority's Regional Transportation Mitigation Program.** Given the extent of new peak-hour trips that are projected to be generated through approval of this General Plan Amendment, a significant opportunity exists to impose traffic impact fees to fund construction of regional projects. For example, a fee of \$1,000 per peak hour trip could, according to Table IV.B.5, generate \$16,000,000. A number of proposed mitigations in the DEIR point towards imposing fees. For example, on Page IV.B-30, Implementation Action 7, "Establish a traffic mitigation fee to be paid by all remaining development projects to offset the needed improvements. . . , " and on page IV.B-31, "New development shall be require[d] to pay its fair share of the cost of improving regional routes

X-3

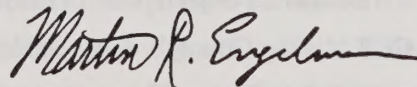
[so] that compliance with the service standard specified in the Action Plan (when adopted) is maintained."

Given the significant funding shortfall for the SR-4 freeway gap project, and the need for improvements to San Pablo Avenue, this GPA presents a significant opportunity for developing, through the WCCTAC forum, the Regional Transportation Mitigation Program for West County, with inclusion of new development's share of the SR-4 (and potentially the San Pablo Avenue) improvements. Fee revenues could be used to leverage Measure C, State, and federal funds, thereby bringing new projects to construction sooner. While the policies set forth in the DEIR suggest eventual imposition of fees, the policies are somewhat reactive in nature. They do not state that the City of Hercules will, through the WCCTAC forum, take the lead to implement this program. We suggest that the FEIR and GPA identify a more proactive role for the City of Hercules to implement a fee program that would have new development pay to mitigate its traffic impacts on the regional transportation system.

X-3
cont'd

Thank you for the opportunity to comment on the Draft EIR for the City of Hercules General Plan Land Use and Circulation Elements Update. We recognize that this letter is two days late in coming, since the deadline for comments was April 3. We apologize for any inconvenience this may have caused, and ask that the comments be incorporated into the Final EIR and responded to accordingly. Should you wish to discuss these comments further, please contact me at (510) 256-4729.

Sincerely,



MARTIN R. ENGELMANN, P. E.
Deputy Director, Planning

cc: Lisa Hogaboom, WCCTAC
Patrick Roche, Contra Costa County
File: 2.7.2

mre:eir:herc.495

- X-1) As stated in response to Comment E-10 in the Final EIR, p. VIII.A-27, even without traffic generated by development consistent with the proposed Land Use and Circulation Elements Update, the intersections of San Pablo Avenue/John Muir Parkway and San Pablo Avenue/Sycamore Avenue would operate at LOS F in at least one peak hour and would therefore not meet the *West County Action Plan* traffic service objective for San Pablo Avenue of LOS E. Project-generated traffic would cause the p.m. peak-hour LOS at San Pablo Avenue/Sycamore Avenue to degrade below acceptable LOS and would contribute to degraded conditions and an unacceptable level of service in the a.m. peak hour at San Pablo Avenue/Sycamore Avenue and in both the a.m. and p.m. peak hours at San Pablo Avenue/John Muir Parkway, as stated on p. IV.B-26.

As stated on p. IV.B-34 of the EIR, a regional effort aimed at developing alternatives to single-occupant automobile use in the I-80 corridor, including pursuing BART extensions in West County, commuter rail service to Solano County, and improved bus connections, is called for in the *West County Action Plan*. It should be recognized that this approach is not likely to result in meeting the traffic service objective on San Pablo Avenue (LOS E) if future development in western Contra Costa County, Solano County and the remainder of the Bay Area occurs generally as anticipated in the West County Travel Demand Model.

- X-2) The EIR states, on p. IV.B-17, that the Circulation Draft of the *West County Action Plan*, published by the Contra Costa Transportation Authority on July 24, 1994, recommends a traffic service objective of LOS E at signalized intersections on San Pablo Avenue.² (The CCTA is the County's designated Congestion Management Agency, as stated on EIR p. IV.B-2.) This traffic service objective of LOS E was the significance standard used in the EIR analysis of traffic impacts on San Pablo Avenue. The Contra Costa County Congestion Management Plan (CMP) contains level of service standards for freeway segments and for CMP Monitoring Intersections on surface routes, as well as intersections between monitoring intersections. The CMP level of service standard for San Pablo Avenue is LOS E, the same standard as in the *Action Plan*. The 1995 draft circulation

² Level of Service E was maintained as the Traffic Service Objective in the *West County Action Plan* as adopted on December 9, 1994.

update of the CMP (June 21, 1995) includes the intersection of San Pablo Avenue/John Muir Parkway as a CMP monitoring intersection.

Regarding the potential need to prepare a deficiency plan for San Pablo Avenue, such a plan would be required if San Pablo Avenue were to violate the CMP level of service standard. Because much of the traffic impact on San Pablo Avenue would result from through traffic, including vehicles bypassing congestion on Interstate 80 (see EIR p. IV.B-27), addressing I-80 congestion would result in congestion relief on San Pablo Avenue as well. As noted in the response to Comment X-1, above, even without project traffic, the *West County Action Plan* standard (and CMP standard) of LOS E for San Pablo Avenue is unlikely to be met in 2010, given Bay Area growth projections. As stated on EIR pp. IV.B-33 - 35, and referred to in response X-1, above, the regional consensus on I-80 corridor capacity issues that developed from the *West County Action Plan* is that diversion of traffic away from I-80 onto San Pablo Avenue should be discouraged, rather than encouraged, and that capacity enhancements for San Pablo Avenue would be counterproductive to this regional consensus.

If a violation of the CMP were to occur, a deficiency plan would be developed to mandate trip reduction actions, such as increasing ridesharing and other alternatives to single-occupant vehicles. Many of these strategies are included in Mitigation Measure Transportation-3b, EIR p. IV.B-37, which lists measures identified in the *West County Action Plan* to relieve congestion on I-80. They include construction of high-occupancy vehicle lanes, increased transit use, increased use of park-and-ride lots, and operation of commuter rail service. Other measures to address congestion on San Pablo Avenue, included in Mitigation Measure Transportation-1b, EIR p. IV.B-32, would support increased bus service on San Pablo Avenue and construction of bicycle facilities. Finally, the Bay Area Air Quality Management District has established a list of approved improvements, programs and actions that would improve air quality by reducing traffic; these items can be used in preparation of a deficiency plan. A deficiency plan that might be required for San Pablo Avenue would be prepared as a regional effort, in which the City of Hercules would participate with other jurisdictions that contribute more than 10 percent of the traffic at the deficient intersection or freeway segment. The City would be the lead agency for preparation of a deficiency plan for intersection(s) within Hercules. It should be noted that the Congestion Management Agency, in determining whether a deficiency exists, excludes from its calculations of roadway and intersection operations certain traffic



over which local jurisdictions have no control, such as traffic with origins and destinations outside Contra Costa County.

Regarding volume/capacity (v/c) ratios in excess of 1.00, as stated on p. 8 of this Addendum, an intersection cannot operate at v/c ratios substantially in excess of 1.00, because vehicles cannot physically enter the intersection. The effect of a theoretical v/c ratio greater than 1.00 is typically to spread the peak-period traffic over a longer time period. This is what would be expected to occur under the proposed Land Use and Circulation Element Updates analyzed in the EIR, as well as the Refined Project analyzed in Section B of this Addendum, with the Refined Project potentially resulting in an incremental decrease in traffic volumes that would most likely be undetectable. Over-saturated roadway and intersection conditions also can induce some motorists shift travel times or travel modes, where possible. In other words, a non-essential commute-period trip might be made at off-peak hours, or not at all, or a commuter may travel via carpool or transit.

- X-3) As stated in response to Comment F-5 in the Final EIR, p. VIII.A-38, the traffic mitigation fee included in Implementation Action 7 of the proposed Circulation Element Update (noted on EIR p. IV.B-30) is identified as a source of funding for transportation improvements identified in the *General Plan Circulation Element Transportation Technical Report*, including improvements to SR 4. Funds raised via the fee also would help fund other necessary improvements in Hercules, and therefore could not be dedicated solely to SR 4 improvements. The mitigation fee identified by the commenter on p. IV.B-31 of the EIR is identified as a goal in the City's adopted *General Plan Growth Management Element*.